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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 DEREK A. CAPOZZI,) Case No. EDCV 10-239-AHM (DTB)
12 Petitioner,)
13 vs.) CASE MANAGEMENT AND
14 WARDEN NORTON, et al.,) SCHEDULING ORDER
15 Respondent.) [CIVIL RIGHTS]
16)
17 _____)
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19 **DISCOVERY**

20 **1. Cut-off Date**

21 All discovery shall be completed on or before **December 10, 2012**. No
22 discovery may be taken after that date without the prior approval of the Court. Such
23 approval will be granted only in exceptional circumstances and upon a showing of
24 good cause. Discovery taken by deposition is complete when questioning ceases.
25 Discovery taken by written request (interrogatories, requests for production of
26 documents and things, and requests for admissions) is complete on the date when the
27 written response to the request is due.

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2. Availability of Discovery

Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party. See Fed. R. Civ. P. 26(b)(1). Pro se litigants are entitled to discovery in civil rights actions to the same extent as are litigants represented by counsel. Of course, the court may order a complete or partial stay of discovery in appropriate circumstances, including where a defense of qualified immunity is raised.

3. Depositions

Any deposition shall be scheduled to commence at least fourteen (14) calendar days after service of the deposition notice and at least five (5) court days before the discovery cut-off date. Pursuant to Fed. R. Civ. P. 30(a)(2), leave of Court is hereby given to depose plaintiff, if plaintiff is confined in prison.

4. Interrogatories

Any interrogatories shall be served at least forty-five (45) calendar days prior to the discovery cut-off date.

5. Production of Documents and Things

Any request for production of documents or things shall be served at least forty-five (45) calendar days prior to the discovery cut-off date.

6. Requests for Admissions

Any requests for admissions shall be served at least forty-five (45) calendar days prior to the discovery cut-off date.

MOTIONS

7. Discovery Motions

Any motion challenging the adequacy of a discovery response, or seeking an order compelling further discovery, shall be filed and served not later than ten (10) calendar days after the discovery cut-off date. The Court expects the parties to resolve discovery problems among themselves whenever possible.

1 **8. Substantive Motions**

2 Any motions directed to the Court's jurisdiction or to the merits of any
3 claim or defense (such as a motion to dismiss or a motion for summary judgment)
4 shall be filed and served not later than **January 9, 2013**. If no party to the action is
5 in custody, the regular Local Rules governing the noticing and briefing of motions
6 shall apply. See Local Rules 7, 56. If any party to the action is in custody, then no
7 hearing date will be set, any opposition to the motion shall be filed and served within
8 thirty (30) calendar days after service of the motion, any reply shall be filed within
9 fifteen (15) calendar days after service of the opposition, and the motion shall be
10 deemed submitted for decision on the basis of the papers timely filed and without oral
11 argument unless otherwise ordered by the Court.

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13 **STATUS REPORT**

14 **9.** Each party shall file and serve a status report no later than **September**
15 **11, 2012**. The status report shall contain the following information: (a) a summary
16 of the proceedings to date and a statement of the principal issues raised by the case;
17 (b) a statement as to whether all parties have been served, and if not, a proposed
18 deadline by which service will be completed; (c) a statement as to whether other
19 parties will be added or amended pleadings will be filed, and if so, a proposed
20 deadline by which those steps will be taken; (d) a description of any discovery
21 completed, and a schedule for any future discovery; (e) a list of contemplated
22 motions, if any, along with proposed dates for the filing and hearing of such motions;
23 (f) an estimate of the time likely to be required for trial, and a statement as to whether
24 trial by jury is desired and has been properly requested; (g) a description of any
25 settlement negotiations that have occurred, and a recommendation as to the form of
26 settlement conference or other method of alternative dispute resolution that would be
27 most appropriate given the nature of this case; (h) any suggestions the parties may

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1 wish to make regarding the management of this action. Where feasible, the parties
2 are strongly encouraged to file a joint status report.

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4 **COMPLIANCE WITH RULES**

5 **10.** All parties must comply with the Federal Rules of Civil Procedure and
6 the Local Rules of this Court, unless compliance is expressly waived by order.

7 **11.** Compliance with the following Local Rules of this Court is waived if,
8 and only if, plaintiff is in custody and not represented by counsel: 7-3; 7-14; 7-15 (all
9 substantive motions shall be deemed submitted the day after the reply papers are due);
10 26-1; 37-1; 37-2; 37-3; and 65-1 (but only to the extent that it requires motions for
11 temporary restraining orders or preliminary injunctions to be set for hearing on the
12 calendar).

13 IT IS SO ORDERED.

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15 DATED: June 25, 2012



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18 DAVID T. BRISTOW
UNITED STATES MAGISTRATE JUDGE
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